

DISPOSITION WORKSHEET

Re: IAB IV2414591/ FO2389712
Subject: Leslie, Erik # [REDACTED]
Investigator: Sergeant Eric Barron, Internal Affairs Bureau
Advocate: Sergeant Monica Botello

DISPOSITION OF CHARGES

The following potential charges were prepared by the Advocacy Unit. Please indicate your disposition of the potential charges, and put any additional sustained charges (with reference to the investigation) on the attached sheet(s).

Potential Charge(s):

The evidence in this investigation supports the following charges:

1. That in violation of the Department's Manual of Policy and Procedures, Sections 3-01/050.10, Performance to Standards; and/or 3-01/030.10, Obedience to Laws, Regulations and Orders (specifically pertaining to 3-10/150.00, Tactical Incidents; and/or 3-10/050.15, Performance to Standards – Performance Associated with the Use of Force), on or about November 8, 2015, while on duty and assigned to Industry Station, Subject Leslie failed to conform to the standards established for his position as a patrol deputy when, during a hospital security detail, he failed to employ sound tactical principles prior to a force encounter with a suspect recently arrested for assault with a deadly weapon and assault against a peace officer, as evidenced by, but not limited to, the following:
 - a. by failing to adequately secure the suspect when he chose to handcuff only one wrist to a hospital gurney; and/or,
 - b. by placing himself at a tactical disadvantage when he positioned a chair too closely to the suspect lying on a hospital gurney, although other options were available to him; and/or,
 - c. by failing to maintain awareness of his surroundings, including but not limited to the suspect lying on the hospital gurney; thus finding himself startled to action and the need to use force.

Subject Leslie's actions violated the following sections of the Manual of Policy and Procedures:

3-01/050.10 – Performance to Standards

3-01/030.10 – Obedience to Laws, Regulations and Orders (specifically pertaining to 3-10/150.00, Tactical Incidents; and/or 3-10/050.15, Performance to Standards – Performance Associated with the Use of Force)

Evidence Reference:

Defenses/Conflicting Evidence:

Disposition:

 X Charge founded as delineated

 Charge founded as modified

 Charge unresolved

 Charge unfounded

Discipline Assessment

Review of Applicable Guidelines for Discipline Section:

The Department's Guidelines for Discipline lists the following analogous misconduct with associated disciplinary penalties:

Conduct

Performance to Standards

Obedience to Laws, Regulations and Orders

Standard Discipline

WR to Discharge

WR to Discharge

Determination of Discipline:

Based upon the attached assessment of mitigating and aggravating factors, the following discipline has been determined to be appropriate. This discipline is subject to revision upon receipt of the subject's response or grievance.

_____ Discharge

_____ Reduction in Rank

_____ Suspension with loss of pay and benefits for ____ day(s)

 x Written Reprimand

_____ No discipline

Assessment of Mitigating and Aggravating Factors:

The following describes the mitigating and aggravating factors in determining the discipline in this investigation. Those factors include:

Intent

Truthfulness

Past Performance

Severity of Infraction

Degree of Culpability

Acceptance of Responsibility

Disciplinary History

Other Factors

Management has considered the subject's performance, which is documented in the subject's Department personnel file, and those documents not contained in that file which are attached to the disposition worksheet.

TABLE OF CONTENTS

FO 2389712

AUDIO VIDEO TRACKING SHEET

SUPERVISOR'S REPORT ON USE OF FORCE FORM

INVESTIGATIVE SUMMARY

INTERVIEW TRANSCRIPTS

Non-Employee Witnesses

Witness
Witness
Witness
Witness
Witness



Involved Employees

Deputy Leslie
Deputy [REDACTED]

Suspect

Suspect Oscar Frausto

EXHIBITS

- A** Use of Force package submitted by Industry Station field personnel, involving Deputies [REDACTED] and [REDACTED] under URN 915-13780-1440-052; and a DVD of the Watch Commander interview associated with that incident.
- B** The incident report, supplemental reports, Industry Station PM and EM shift In-Services for November 8, 2015 and November 9, 2015, and Suspect Frausto's Queen of the Valley Hospital medical paperwork.
- C** Suspect Frausto's Criminal History and criminal case detail inquiry.
- D** Photo presented to Deputy Leslie during his interview with Internal Affairs Bureau investigators.

- E Scene photos.**
- F Printed photos depicting Suspect Frausto's injuries, and one (1) CD containing photos of Suspect Frausto's injuries.**
- G One (1) CD containing the radio traffic.**

MISCELLANEOUS DOCUMENTS

Administrative Rights Force/Shooting Investigation Forms

Internal Affairs Chief's Memo

MPP section regarding saps

Taser activation download